

Court of Appeals, State of Michigan

ORDER

People of MI v Rebecca Hinzman

Docket No. 302442

LC No. 2010-233880-FH

Pat M. Donofrio
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court orders that the January 19, 2011 order is VACATED IN PART to the extent it denies defendant's motion to dismiss the charges, and this matter is REMANDED for an evidentiary hearing to determine whether defendant has a valid defense to the charges pursuant to MCL 333.26421 *et seq.* Based on the evidence presented at the evidentiary hearing, the court shall consider, among other appropriate issues, whether defendant possesses a valid registry identification card and possessed no more than the amount of marijuana permitted under MCL 333.26424(a) for purposes of the defense provided by that provision and whether the facts support the defense provided by MCL 333.26428.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion for stay pending appeal is DENIED.

The motion to waive fees is GRANTED, and fees are WAIVED FOR THIS APPEAL ONLY.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 15 2011
Date


Chief Clerk